IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 18456 of 1994

Between:

Aravind Godbole, S/o. Late Kashinath Rao.
1-8-533, Chikkadpally, Hyderabad.

..... PETITIONER

AND

1 Inspector General of Registration and stamps, Govt. of A.P., Hyderabad.
2 The Secretary, Govt. of A.P., Revenue Dept., Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction in the nature of Mandamus or otherwise bearing No. NR/10341/94 dated 27/08/1994 as illegal, void and without jurisdiction and violative of Articles 14 read with 19(1) (g) of the Constitution of India and be pleased to pass such other order or orders.

Counsel for the Petitioner: MR.K.L.N.RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

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ORDER:

The petitioner being aggrieved by the letter No.NR/10341/94, dated 27.08.1994, issued by the 1st respondent, has filed the present writ petition.

It is the case of the petitioner that on a complaint made by the Deputy Inspector General, Hyderabad, alleging that the petitioner is indulging in attestation of blank affidavits, the 1st respondent sent letters to all the Public officers of Hyderabad and Ranga Reddy District including twin cities not to act upon the affidavits or other papers, which bears the attestation of the petitioner by name Aravind Godbole, till completion of the enquiry.

This Court, while admitting the writ petition, has granted interim suspension of the impugned letter on 07.10.1994.

The learned Counsel for the petitioner has argued that the 1st respondent has no power or jurisdiction whatsoever under the Notaries Act, 1952 and The Notaries Rules, 1956, (hereinafter referred to as 'the Act') to address the impugned letter to all the said public officers. Learned Counsel has further argued that it is the Government alone which has got the power to conduct an enquiry or

cancel the certificate of notary of the petitioner.

In the counter-affidavit filed by the respondents it is stated that the 1st respondent has addressed the impugned letter, dated 27.08.1994, only as a regulatory and administrative measure, pending enquiry, but no final orders have been passed.

Recording the statement made in the counter-affidavit that the impugned letter is addressed to the said public officers only as a regulatory and administrative measure, pending completion of the enquiry, it is pertinent to note that the counter-affidavit is silent with regard to the completion of the said enquiry. Also the learned Counsel for the petitioner expressed his inability in contacting the petitioner in view of the lapse of time to ascertain the stage of the enquiry. Therefore, in the interest of justice, suffice it to direct that if the petitioner still wants to practice notary he has to apply for fresh licence, upon which the competent authority will consider the same, in accordance with law, and issue a fresh licence.

With the above observation, the writ petition is disposed of. No costs.

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29.07.2004

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To

1 Inspector General of Registration and stamps, Govt. of A.P.,

Hyderabad.

2 The Secretary, Govt. of A.P., Revenue Dept., Secretariat,
Hyderabad.

3 Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT)

4 Two CD copies